

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR
PUERTO RICO,

As representative of

THE COMMONWEALTH OF
PUERTO RICO, THE EMPLOYEE'S
RETIREMENT SYSTEM OF THE
GOVERNMENT OF THE
COMMONWEALTH OF PUERTO
RICO, AND THE PUERTO RICO
PUBLIC BUILDINGS AUTHORITY,

Debtors.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**MOTION REAFFIRMING OBJECTION TO SIXTH AMENDED
DISCLOSURE STATEMENT AND/OR THE SIXTH AMENDED PLAN OF
ADJUSTMENT AT DKT. NO. 17517**

Dated: July 27, 2021

TO THE HONORABLE COURT:

COMES NOW creditor Suiza Dairy Corp. (“Suiza”), through the undersigned counsel and, pursuant to Fed. R. Bankr. P. 3020, presents its objection to the Sixth Amended Disclosure Statement (“DS”) proposed by the Financial Oversight and Management Board of Puerto Rico and the Sixth Amended Plan of Adjustment proposed concurrently (the “Plan”), filed on July 27, 2021 at Docket No. 17,517.

Suiza filed a timely Objection to the Disclosure Statement on June 15, 2021. Dkt. 17,013. Suiza also appeared in the hearings held on July 13 and 14 of 2021 related to the approval of the Disclosure Statement and presented evidence and oral arguments in favor of the denial of the approval of the Disclosure Statement.

The Sixth Amended Disclosure Statement and Plan do not alter the treatment, information and/or discharge provisions included in the previously objected Disclosure Statement.

The Sixth Amended Disclosure Statement as filed, is in contravention of the Takings Clause of the Constitution of the United States in regards to Suiza’s claim against the Commonwealth, inasmuch as it impermissibly and unlawfully classifies and treats Suiza’s claim on account of a federal takings determination as subject to discharge under the Sixth Amended Plan provisions. On those grounds, the Sixth Amended Plan is unconfirmable under 11 U.S.C. §944 as incorporated by Title III

of PROMESA 48 U.S.C. §§ 2161-2177 and §314(3) of Title III of PROMESA, 48 U.S.C. §2174, which requires that any plan of adjustment not be proposed in contravention of any law. Since the Sixth Amended Plan, as proposed is unconfirmable, the Sixth Amended Disclosure Statement is deficient and may not be approved.

Suiza reiterates the objections raised in the Objection filed at Dkt. 17,013 and the oral arguments raised in the hearing of July 13, 2021, and incorporates them herein as if fully transcribed and requests that they be deemed raised as to the approval of the Sixth Amended Disclosure Statement.

WHEREFORE, Suiza most respectfully prays that the court DENY approval of the Sixth Amended Disclosure Statement as filed, absent an amendment to the same by the Commonwealth classifying Suiza's claim as a non-dischargeable claim subject to a 100% distribution under the Plan, and surviving these proceedings.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this motion has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, this motion will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that this motion was electronically filed with the Court using the CM/ECF system which will notify the filing by electronic means to all parties of record.

By: /s/ Rafael A. Gonzalez Valiente

USDC NO. 225209

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